

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID S. JOHNSON,)	
)	
Plaintiff,)	Civil Action No. 2:14-cv-857
)	
v.)	Judge Nora Barry Fischer
)	Magistrate Judge Lisa Pupo Lenihan
ALLEGHENY COUNTY-CITY OF)	
PITTSBURGH, KATE BARKMAN,)	ECF Nos. 4, 5, 6, & 8
HON. KATHLEEN DURKIN, and)	
HON. ROBERT C. MITCHELL,)	
)	
Defendants.)	

MEMORANDUM ORDER

The Complaint was filed in the above captioned case on July 7, 2014, after Plaintiff's Motion to Proceed *In Forma Pauperis* was granted. The case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 8), filed on October 8, 2014, recommended that the Complaint (ECF No. 3) be dismissed with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)-(iii). The Report and Recommendation further recommended that Plaintiff's Motions to Compel (ECF No. 4, ECF No. 5) and Petition for Service by the U.S. Marshal (ECF Nos. 6) be dismissed as moot. Service of the Report and Recommendation was made on Plaintiff at AP-8174, One Rockview Place, Bellefonte, PA 16823. Plaintiff was informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of

the Local Rules of Court, that he had fourteen (14) days to file any objections. No objections have been filed to the Report and Recommendation.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 31st day of October, 2014,

IT IS HEREBY ORDERED that the Complaint filed by Plaintiff David S. Johnson (ECF No. 3) is **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. §1915(e)(2)(B)(i)-(iii).

IT IS FURTHER ORDERED that Plaintiff's Motions to Compel (ECF No. 4, ECF No. 5) and Petition for Service by the U.S. Marshal (ECF Nos. 6) are **DISMISSED AS MOOT**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 8) of United States Magistrate Judge Lisa Pupo Lenihan, dated October 8, 2014, is adopted as the opinion of the Court.

s/Nora Barry Fischer
NORA BARRY FISCHER
United States District Judge

cc: DAVID S. JOHNSON
AP-8174
One Rockview Place
Bellefonte, PA 16823